

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**BELINDA SONORA**

**V.**

**UNITED STATE OF AMERICA AND  
PAUL SUNDBERG, M.D.**

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**CIVIL ACTION NO. 5-21-cv-00339**

**PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE DISTRICT COURT JUDGE:

NOW COMES BELINDA SONORA, Plaintiff in the above-entitled and numbered cause (hereinafter called "**Plaintiff**"), complaining of UNITED STATES OF AMERICA and PAUL SUNDBERG, M.D. (hereinafter called "**Defendants**"), and for cause of action, would respectfully show unto the Court as follows:

**I.  
JURISDICTION**

1. The Court has jurisdiction over this action pursuant to U.S.C. §1346(b)(1) for the following reasons:

a. This suit is brought pursuant to the Federal Tort Claims Act ("FTCA"). *See* 28 U.S.C. §2671, *et al.* Barrio Comprehensive Family Health Care Center, Inc. d/b/a Communicare Health Centers, is a health care center funded under the Health Center Program, section 330(e) of the Public Health Services Act (42 U.S.C. 254(b), as amended. Plaintiff filed her claim for damages for the acts of negligence specified hereinbelow with the U.S. Department of Health and Human Services on September 10, 2020, with receipt of said claim on September 17, 2020. As of the date of filing of this lawsuit, Plaintiff's claims have not been administratively denied.

b. The amount in controversy exceeds the sum or value of \$100,000.00, exclusive of interest, costs of Court, and attorneys' fees.

**II.**  
**VENUE**

2. Venue is proper in this district pursuant to 28 U.S.C. §1391(b)(2) as relevant acts complained of occurred at the Barrio Comprehensive Family Health Care Center, Inc.-Communicare Health Centers – West Campus, located within the San Antonio Division of the United States District Court for the Western District of Texas.

**III.**  
**THE PLAINTIFF**

3. At the times material herein, Plaintiff was residing in San Antonio (Bexar County), Texas.

**IV.**  
**THE DEFENDANT**

4. Service of Citation is requested at this time, to be had upon the Defendant UNITED STATES OF AMERICA by serving its agent, Ms. Ashley C. Hoff, United States Attorney for the Western District of Texas, at her office located at 601 N.W. Loop 410, Suite 600, San Antonio (Bexar County), Texas 78216, and by sending a true and correct copy of the Complaint, via certified mail, return receipt requested, to The Honorable Merrick Garland, Attorney General of the United States of America, Department of Justice, 10<sup>th</sup> & Constitution Avenue, N.W., Room B-112, Washington, D.C. 20530. **Issuance of Citation is requested at this time.**

5. Defendant PAUL SUNDBERG, M.D. is a physician licensed to practice in Texas and may be served with citation by serving him at his place of business, 1102 Barclay St., San Antonio, TX 78207. **Issuance of Citation is requested at this time.**

**V.**  
**FACTS**

6. Plaintiff is an established patient of PAUL SUNDBERG, M.D., at BARRIO COMPREHENSIVE FAMILY HEALTH CARE CENTER, INC. D/B/A COMMUNICARE HEALTH CENTERS, a community health care center funded under the Health Center Program, section 330(e) of the Public Health Services Act (42 U.S.C. 254(b), as amended. Dr. Sundberg had diagnosed Plaintiff with endometriosis and ovarian cysts and recommended surgery. On August 20, 2019, Plaintiff was admitted to Metropolitan Methodist Hospital for a diagnostic laparoscopy, right tubal segment resection, and right paratubal cystectomy performed by Dr. Sundberg. Plaintiff was discharged on the same day.

7. On August 23, 2019, Plaintiff returned to Metropolitan Methodist Hospital in septic shock and a CT of her abdomen showed the presence of pneumoperitoneum suggesting perforation of her bowels. She was admitted into the hospital and into the ICU. On August 24, 2020, a general surgeon performed a diagnostic laparoscopy wherein he found three separate perforations of Plaintiff's small bowel. The surgeon performed a bowel resection, washout, and placement of drains. Plaintiff suffered a prolong hospitalization and required six additional procedures to address the injuries and damages caused by the small bowel perforations. As a result of Defendants' negligence, Plaintiff suffered and continues to suffer injuries and damages, as more specifically set forth below.

**VI.**  
**NEGLIGENCE OF THE DEFENDANTS**

8. Plaintiff believes and alleges that Defendant UNITED STATES OF AMERICA, acting by and through its physicians, agents, servants, and/or employees including PAUL

SUNDBERG, M.D., committed certain negligent acts and/or omissions in the medical care provided to Plaintiff BELINDA SONORA, and such negligence included, but is not limited to the following:

- a. Failing to properly and safely place the trocar during the surgical procedure.
- b. Failing to properly evaluate the surgical field, after placement of the trocar, to check for any injuries to the surrounding organs, including small bowel.
- c. Failing to properly evaluate the surgical field, prior to closure of the abdomen, to check for any injuries to the surrounding organs, including small bowel.
- d. Failing to recognize the injuries to the small bowel prior to closure of the abdomen and repairing the same.
- e. Failing to provide proper medical care and treatment to Plaintiff.

9. Plaintiff would show that each and all of the above and foregoing acts and/or omissions of Defendant UNITED STATES OF AMERICA were negligent and each and all were a direct and proximate cause of the injuries to Plaintiff, as more specifically set forth below.

10. Plaintiff believes and alleges that Defendant PAUL SUNDBERG, M.D. committed certain negligent acts and/or omissions in the medical care provided to Plaintiff BELINDA SONORA, and such negligence included, but is not limited to the following:

- a. Failing to properly and safely place the trocar during the surgical procedure.
- b. Failing to properly evaluate the surgical field, after placement of the trocar, to check for any injuries to the surrounding organs, including small bowel.
- c. Failing to properly evaluate the surgical field, prior to closure of the abdomen, to check for any injuries to the surrounding organs, including small bowel.
- d. Failing to recognize the injuries to the small bowel prior to closure of the abdomen and repairing the same.
- e. Failing to provide proper medical care and treatment to Plaintiff.

11. Plaintiff would show that each and all of the above and foregoing acts and/or omissions of Defendant PAUL SUNDBERG, M.D. were negligent and each and all were a direct and proximate cause of the injuries to Plaintiff, as more specifically set forth below.

**VII.**  
**DAMAGES**

12. Plaintiff would show as a direct and proximate result of the negligent acts and/or omissions of the Defendants herein, Plaintiff BELINDA SONORA has been caused to suffer physical pain and mental anguish, and in reasonable probability, she will continue to suffer the same in the future, for which she seeks recovery herein. Further, Plaintiff has been caused to suffer physical impairment, and in reasonable probability, she will continue to suffer the same in the future, for which she seeks recovery herein. Further, Plaintiff has been caused to suffer disfigurement, and in reasonable probability, she will continue to suffer the same in the future, for which she seeks recovery herein. Further, Plaintiff has been caused to incur reasonable and necessary medical, doctor, hospital, and therapy expenses, and in reasonable probability, she will continue to incur the same in the future, for which she seeks recovery herein. Further, Plaintiff has been caused to suffer lost wages for which she seeks recovery herein.

13. Plaintiff believes she has been injured and damaged in a sum within the jurisdictional limits of this Court.

**VIII.**  
**JURY DEMAND**

14. Plaintiff requests a jury trial.

**VIII.**  
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants, UNITED STATES OF AMERICA and PAUL SUNDBERG, M.D., be duly cited to appear and answer herein, and that upon final trial of this cause, Plaintiff have and recover judgment of and from the

Defendants, in an amount within the jurisdictional limits of this Court, plus costs of Court, pre-judgment and post-judgment interest, and for such other and further relief, both general and special, at law or in equity, to which Plaintiff may show herself to be justly entitled.

Respectfully submitted,

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By: /s/ Sean Lyons

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*ATTORNEYS FOR PLAINTIFF*